

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

MARK REAVES,

Plaintiff,

v.

MASSACHUSETTS ARMY NATIONAL
GUARD, RAYMOND VEZINA, ROBERT
JORDAN, THOMAS J. SELLARS, and
RICHARD NAGEL,

Defendants.

CIVIL ACTION NO. 04-30125-KPN

DEFENDANTS JORDAN'S, SELLARS'S, AND NAGEL'S MOTION TO DISMISS

Defendants Robert Jordan ("Jordan"), Thomas J. Sellars ("Sellars"), and Richard Nagel ("Nagel") – by and through the Attorney General of the Commonwealth of Massachusetts, their counsel – jointly move, pursuant to FED. R. CIV. P. 12(b)(6), that this Court enter a judgment in their favor, dismissing this action as to them. Jordan additionally moves, pursuant to FED. R. CIV. P. 4(m) and 12(b)(5), that this Court enter a judgment in his favor, dismissing this action as to him. The grounds for this motion are set forth in the accompanying memorandum.

LR. 7.1(A)(2) CERTIFICATION

On July 26, 2005, the undersigned conferred with pro se plaintiff Mark Reaves ("Reaves") and attempted in good faith to resolve or narrow the issue. However, given that this is a dispositive motion that seeks the dismissal of this action as to Jordan, Sellars, and Nagel, it was not possible to resolve or to narrow the issue. Reaves stated that he opposes the motion.

REQUEST FOR ORAL ARGUMENT

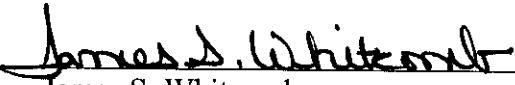
Jordan, Sellars, and Nagel request, pursuant to LR. 7.1(D), that the Court hold oral argument on this motion.

Respectfully submitted,

ROBERT JORDAN, THOMAS J. SELLARS,
and RICHARD NAGEL

By their attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

By: 
James S. Whitcomb
Assistant Attorney General
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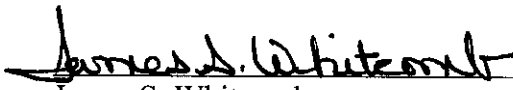
DATED: July 27, 2005.

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 27th day of July, 2005, I served the foregoing *Defendants Jordan's, Sellars's, and Nagel's Motion to Dismiss* by either mailing, by first class mail, postage prepaid, or by delivering – as indicated below – a true copy of the document to each of the following:

Mark Reaves, pro se
24 Ionia Street
Springfield, MA 01109
(Mailed)

Karen L. Goodwin, A.U.S.A.
1550 Main Street, Room 310
Springfield, MA 01103-1422
(Delivered)


James S. Whitcomb